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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,659	11/04/2003	Yi Mei Hsieh Chen	L9079.03107	6463
7590 11/15/2005			EXAMINER	
STEVENS, DAVIS MILLER & MOSHER, L.L.P. Suite 850 1615 L Street, N.W. Washington, DC 20036			GREENE, DANA D	
			ART UNIT	PAPER NUMBER
			3762	
DATE MAILED: 11/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/699,659

Applicant(s)

HSIEH CHEN, YI MEI

Examiner

Dana D. Greene

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/4/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 stands objected to because of the following informalities: The phrase "PC beard" should be re-written as "PC board" and "the claming means" should be re-written as "a clamping means." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sackner et al. (US 6,551,252 B2, hereinafter "Sackner"). Sackner is considered to disclose:

a heart beat signal wireless transmitter comprising a body, which constructs a modular structure wherein, the said body comprises a PC board carrying a signal transmitter (see col. 9, ln. 28-45, Sackner). The disclosed monitoring garment is considered to anticipate the claimed modular structure because both configurations comprise transmitters for wirelessly transmitting signals and receivers for receiving signals wirelessly transmitted from the sensors;

a pair of detachable fastening belt connected to the body separately through a clamping means provided on both sides of the body (see col. 20, ln. 1-15, Sackner).

The disclosed garment may be fastened snugly onto the body using fastening devices;

the said pair of fastening belt is made of fabric material of which the front part of each fastening belt is made of conductive fabric for forming the electrical connection with the PC board inside the body when the pair of fastening belt and the body are connected to each other through the clamping means on both sides of the body (see col. 20, ln. 1-15, Sackner). The disclosed Velcro strips are considered to anticipate the claimed conductive fabric because both consist of high flexibility as electrode to enable a close contact between the electrode and the user's skin to precisely detect the actual heart beat signal of the user.

With reference to claim 2, Sackner is considered to disclose the heart beat signal wireless transmitter, wherein the detachable fastening belt is made of conductive fabric and non-conductive fabric (see col. 14, ln. 59 – col. 15, ln. 8, Sackner). The disclosed device permits close circumferential contact to the body with sensor bands made of an elastic material providing longitudinal elasticity sufficient to retain the band against the body.

Referring to claims 3 and 4, Sackner is considered to disclose:

The heart beat signal wireless transmitter, wherein the conductive fabric of the fastening belt is made of one of the materials of intrinsically conductive polymer, compounds with conduct fiber and electronic fiber (see col. 14, ln. 59 – col. 15, ln. 8, Sackner). The disclosed fabric is considered to anticipate the claimed fabric of the

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fastening belt because both employ conductive fabric of the fastening belt that is made by using one of the conductive materials including intrinsically conductive polymer, compounds with conductive fiber and electronic fabric that enables the fabric to possess the property of good conductivity and water fast.

With reference to claims 5, 6, 7, and 8 Sackner is considered to disclose:

The heart beat signal wireless transmitter, wherein the said pair of detachable fastening belt is fixed on the underwear by sewing (see col. 32, ln. 60-65, Sackner). The disclosed means of attachment is considered to anticipate the claimed means of fixing because both employ an attachment consisting of sewing into the garment.

Referring to claims 9 and 10, Sackner is considered to disclose:

The heart beat signal wireless transmitter, wherein the end portion of the said pair of fastening belt has a buckle assembly for buckling the fastening belt (see col. 15, ln. 40-45, Sackner). The disclosed belt-buckle is considered to anticipate the claimed buckle assembly because both work to connect the heart beat signal wireless transmitter on the user's body with the desired body having the specific modular structure installed on the fastening belt.

With reference to claims 11-16, Sackner is considered to disclose:

The heart beat wireless transmitter, wherein a clamping late having a saw-toothed grip piece on the underside is pivotally installed on both sides of the body, and can be lifted up and pressed down around the center of the pivot (see col. 14, ln. 17-29, Sackner). The disclosed zipper-like device is considered to anticipate the claimed grip

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piece because both work to form a clamp assembly with movable clamping plate able to be lifted up and pushed down around the pivot center.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

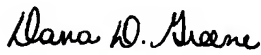
Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sackner. Sackner is considered to disclose the claimed invention as discussed above under the anticipatory rejection, except for the claimed female connecting hole and male connecting head. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a female connecting hole and a male connecting head, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art (see *In re Karlson*, 136 USPQ 184).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana D. Greene whose telephone number is (571) 272-7138. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dana D. Greene

  
George Manuel  
Primary Examiner